

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DALLAS WAYNE SMITH

Petitioner,

v.

ORDER

Civil File No. 04-3897 (MJD/JSM)

TERRY CARLSON,
Warden,

Respondent.

Dallas Wayne Smith, pro se.

Kimberly Parker, Assistant Attorney General, Counsel for Respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated January 4, 2006. Petitioner filed an objection to the Report and Recommendation with the Court on January 17, 2006. The Respondent makes no objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review the Court adopts the Report and Recommendation dated January 4, 2006.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED that:

1. The Magistrate Judge's Report and Recommendation dated January 4, 2006, [Docket No. 4] is hereby **ADOPTED**.
2. This action is **SUMMARILY DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 22, 2006

s / Michael J. Davis
Judge Michael J. Davis
United States District Court